IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 5873 of 1998

Between:

Managing Director, Andhra Pradesh

Women's Cooperative Finance Corporation

Limited, Hyderabad.

..... PETITIONER

AND

1. N. Shankara Parvathi, D/o Late N. Parvathalu,

Aged about 31 years, R/o Hyderabad

2. Authority under the Minimum Wages Act

and Deputy Commissioner of Labour,

RTC Cross Roads, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue *rule nisi* calling for records pertaining to the Order passed by respondent No.2 in M.W.16/95, dated 18-9-1997 and quash the same by issuing an appropriate writ, order or direction one in the nature of Writ of Certiorari and holding that the said order is arbitrary, illegal, irregular, unconstitutional, violative of principles of law and void *ab initio* and issue a consequential direction.

Counsel for the Petitioner: Ms. B.MALLESWARI

Counsel for Respondent No.1: Ms. S.TRIPURA SUNDARI

Counsel for Respondent No.2: G.P. for Labour

The Court made the following :

ORAL ORDER:

This writ petition is filed by the Andhra Pradesh Women's Cooperative Finance Corporation Limited, Hyderabad represented by its Managing Director being aggrieved by the Order passed by the Authority under the Minimum Wages Act,1948-cum-Deputy Commissioner of Labour, Hyderabad in Case No.MW/16/95, dated 18-9-1997.

The 1st respondent-employee filed a petition under Section 20(2) of the Minimum Wages Act,1948 (for short 'the Act') claiming difference of minimum rates of wages as per G.O.Ms.No.33, Women Development, Child Welfare and Labour (Lab-II) Department, dated 24-2-1992. The respondent-management i.e. writ petitioner was called absent on the dates of hearing on 21-4-1997, 7-6-1997 and 28-6-1997. Therefore, the Management was set *ex parte.* The employee was examined as P.W.1. Thereafter, a detailed order was passed by the Authority after examining various Governmental Orders in this regard and ultimately held that as per minimum wages payable i.e. Basic pay Rs.745/- per month and V.D.A. of Rs.20,460/-for the period from 1-10-1991 to 30-9-1996; the employee is entitled to a total amount of Rs.64,415/-. An amount of Rs.23,600/- was already paid. Thus, an amount of Rs.40,823/- remains to be paid. The same was directed to be paid by the writ petitioner. Aggrieved by the same, the present writ petition is filed.

I have gone through the order passed by the Authority on 18-9-1997 in Case

No.MW/16/95 and also the other material made available on record.

I am of the opinion that the Authority under the Act has considered the issue i.e. claim of the employee meticulously on the basis of the Governmental Orders available and in fact, though number of opportunities were given to the management, but none represented the Management and, therefore, after setting the writ petitioner-management *ex parte* the employee was examined and the impugned order was passed. There is no illegality or irregularity committed by the Authority requiring the interference of this Court. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

10-6-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Authority under the Minimum Wages Act

and Deputy Commissioner of Labour,

RTC Cross Roads, Hyderabad.

2. 2 CCs to Government Pleader for Labour, High Court Buildings,

Hyderabad (OUT).

3. 2 CD copies